IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

HON'BLE Mr. JUSTICE R. SUBHASH REDDY

Writ Petition No.19485 of 2007

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Dated: September 17, 2007

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Between:

Sk. Mallika, W/o. Kareemulla, aged 30 years,
Occ: Cultivation, R/o.D.No.7-849 A, Kumaraswamy Tippa,
Janda Street, Srikalahasti, Chittoor District.

… Petitioner

And

The Sub-Registrar, Srikalahasti,
Chittoor District, and others.

… Respondents

Order:

This writ petition has been filed seeking Mandamus to declare the action of the first respondent in not entertaining the sale deed submitted by the petitioner for registration in respect of lands to an extent of Ac.2.70 cents each in Sy.Nos.139-4b and 139-4c respectively, situated in Challapalem village, Srikalahasti Mandal, Chittoor District as arbitrary and illegal.

2. Heard learned counsel for the petitioner and learned

Government Pleader for Revenue appearing for the respondents.

3. The case of the petitioner is that she purchased the aforementioned lands in the auction conducted by the Chittoor District Cooperative Bank Ltd., and consequently sale was confirmed and pattadar passbooks were also issued in her favour. It is stated that when she presented the sale deeds before the first respondent, the same were not accepted on the ground that the aforementioned lands are assigned lands, and hence, no transfer can be effected.

4. When the writ petition has come up on 13-09-2007, learned Government Pleader sought time to obtain instructions.

5. Today, when the matter is taken up, learned Government Pleader, while submitting that the sale deeds presented by the petitioner for the purpose of registration were not entertained on the ground that the aforesaid lands are assigned lands, agrees that the petitioner has purchased the said lands in the auction conducted by the Chittoor District Cooperative Bank Ltd.

6. The question whether the prohibition contained under Section 5 of the A.P. Assigned Lands (Prohibition of Transfer) Act, 1977 ('the Act' for brevity) applies to the lands which are brought to sale by a Cooperative Society, mentioned in Section 6 of the Act, for redemption of mortgage, came to be considered by this court in W.P.Nos.14743 & 14750 of 2007. A learned single judge of this court, while allowing the said writ petitions, held that the prohibition contained under Section 3 of the Act does not come in the way for sales effected by a Cooperative Society registered under the A.P. Cooperative Societies Act, 1964. Accordingly, directions were

issued not to treat the lands therein as assigned lands and the documents presented for transfer were directed to be entertained and processed in accordance with law.

7. It is submitted by learned counsel for the petitioner and admitted by learned Government Pleader appearing for the respondents that the present writ petition is covered to be allowed in terms of the aforesaid order of this court.

8. Recording the submission of the learned counsel and following the ratio laid down in the aforesaid order, this writ is allowed holding that the lands in question, purchased by the petitioner in the auction conducted by the District Cooperative Central Bank Ltd., Chittoor shall not be treated as assigned lands and the documents presented by the petitioner for transfer shall be entertained by the first respondent and processed in accordance with law provided the same are in accordance with the provisions of the Registration Act, 1908 and the rules made thereunder. No order as to costs.

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JUSTICE R. SUBHASH REDDY.

September 17, 2007
MRR